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PTO/SB/29 (2/96)

Approved for use through 08/31/2000. GPO: 0851-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

35
KD

S. 28/01

Address to:

**Assistant Commissioner for Patents
Box CPA
Washington, DC 20231**

Attorney Docket No.	
First Named Inventor	SAMUEL ROSE, M.D.
Examiner Name	(Deceased June 3, 2001) S. Ungar, Ph.D.
Group / Art Unit	1642
Express Mail Label No.	

This is a request for a continuation or divisional application under 37 C.F.R. § 1.53(d).

(continued prosecution application (CPA)) of prior application number SN08/782,590

filed on January 13, 1997 entitled Method and Composition for Treating Cancer, Etc.

NOTES:

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either—(1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 351. A notice will be placed on a patent issuing from a CPA, except for issues and designations made during examination of a CPA, and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before January 5, 1999.

CPA NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(d) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is enabled under the provisions of 37 C.F.R. § 1.13 to access to, copies of, or information concerning, the prior application may be given similar access to copies of, or other information concerning, the other application or applications in the file(s).

35 U.S.C. 120 STATEMENT: In the CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A reference to a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number denoted in such request. 37 C.F.R. § 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

TYPE, CROSS-NOTING, AND STATUS OF APPLICATION

201.06(d)

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PTO/SB/28 (2/98)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i))	87 -20 =	67	x \$ 9.00 =	\$ 603.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (ii))	3 -3 =	0 0	x \$ 40.00 =	0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$ ----- =	0
				BASIC FEE (37 C.F.R. § 1.16)	
				Total of above Calculations =	958.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.8, 1.27 & 1.28).				
	• Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	958.00

6. Small entity status:

- a. A small entity statement is enclosed, if (b) and (c) do not apply.
 b. A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 c. Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 0013 - 0625:

- a. Fees required under 37 C.F.R. § 1.16.
 b. Fees required under 37 C.F.R. § 1.17.
 c. Fees required under 37 C.F.R. § 1.18.

8. A check in the amount of \$ 958.00 is enclosed.9. Other: CHARGE FEE TO DEPOSIT ACCT # 0013-0625 FOR ANY ADDITIONAL FEE REQUIRED ATTACHED OR CREDIT FOR ANY EXCESS FEE PAID A DUPLICATE OF THIS REQUEST TRANSMITTAL

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> New correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	JOHN Q. McQUILLAN
Signature	
Registration No. (Attorney/Agent)	19,805
Date	AUG 13, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : SAMUEL ROSE, M.D. (Deceased June 3, 2001)

SERIAL NO. : 08/782,590

FILED : January 13, 1997

FOR : A METHOD AND COMPOSITION FOR
TREATING CANCER BY CONVERTING
SOLUBLE RADIOACTIVE TOXIC AGENTS
INTO INSOLUBLE RADIOACTIVE TOXIC
PRECIPITATES VIA THE ACTION OF
NON-MAMMALIAN ENZYMES BOUND
TO THE NON-ENDOCYTOSING
RECEPTORS OF TARGET CELLS

EXAMINER : Susan Ungar, Ph.D.

Group Art Unit : 1642

125 Crestwood Avenue
Tuckahoe, New York 10707-2208
914-779-7171

August 13, 2001

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

**PRELIMINARY AMENDMENT FOR CONTINUED PROSECUTION APPLICATION
(CPA) UNDER 37 CFR 1.53(d)**

SIR:

Attached hereto are the following documents relevant to the above-identified application which was filed in Application Serial No. 09/314,422 in the USPTO by Express Mail on August 4, 2001:

- (I) Assignment dated December 8, 2000 of the above-identified application to Oncologic, Inc. by Samuel Rose, M.D. (now deceased);

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(2) Power of Attorney dated July 30, 2001 of Assignee Oncologic, Inc. for the above-identified application; and

(3) Verified Statement of Small Entity of Oncologic, Inc., dated July 30, 2001.

Respectfully submitted,


John Q. McQuillan
Registration No. 19,805

Enc.